

JAN 20 2012

A BILL FOR AN ACT

RELATED TO SEX OFFENDER TREATMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that there have been a
2 number of reported abuses concerning participants under
3 probation in the Hawaii sex offender treatment program,
4 established pursuant to chapter 353E, Hawaii Revised Statutes.

5 Concerns have been raised regarding the use of unqualified
6 or untrained personnel in direct treatment of clients in
7 instances when a qualified supervisor is either not in the room
8 or not properly supervising the persons conducting treatment.

9 In addition, there has been considerable concern regarding
10 the required submission of clients or patients to polygraph
11 testing and the requirement that participants sign an admission
12 to guilt. This is especially troublesome for those who did not
13 admit to guilt in court or for those under a deferred acceptance
14 of nolo contendere plea. Currently, a participant's treatment
15 can be terminated and the deferred acceptance of nolo contendere
16 withdrawn if the participant refuses to admit guilt.

17 The purpose of this Act is to provide corrective actions
18 for these issues.



1 SECTION 2. Section 353E-1, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§353E-1[+] **Sex offender treatment; statewide program**
4 **established.** There is established a statewide, integrated
5 program for the treatment of sex offenders in the custody of the
6 State to be implemented on a cooperative basis by the department
7 of public safety, the judiciary, and the Hawaii paroling
8 authority, and any other agency that may be assigned sex
9 offender oversight responsibilities. The agencies shall:

- 10 (1) Develop and continually update, as necessary, a
11 comprehensive statewide master plan for the treatment
12 of sex offenders that provides for a continuum of
13 programs under a uniform treatment philosophy;
- 14 (2) Develop and implement a statewide, integrated system
15 of sex offender treatment services and programs that
16 reflect the goals and objectives of the master plan;
- 17 (3) Identify all offenders in their custody who would
18 benefit from sex offender treatment;
- 19 (4) Work cooperatively to monitor and evaluate the
20 development and implementation of sex offender
21 treatment programs and services;



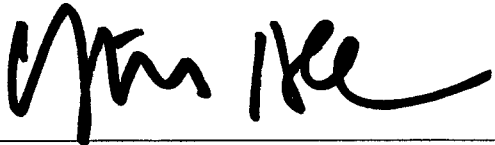
- 1 (5) Develop appropriate training and education programs
2 for public and private providers of sex offender
3 treatment, assessment, and supervision services;
4 provided that an appropriately qualified service
5 provider shall be present during any treatment
6 session; provided further that a participant receiving
7 treatment services shall not be required to admit
8 guilt as part of any treatment protocols if the
9 participant did not plead guilty to a sexual offense
10 or enter into a deferred acceptance of nolo contendere
11 plea;
- 12 (6) Conduct research and compile relevant data on sex
13 offenders;
- 14 (7) Work cooperatively to develop a statewide management
15 information system for sex offender treatment;
- 16 (8) Make every effort to secure grant funds for research,
17 program development, training, and public education in
18 the area of sex assault prevention;
- 19 (9) Network with public and private agencies that come
20 into contact with sex offenders to keep abreast of
21 issues that impact on, and increase community



1 awareness regarding, the statewide sex offender
 2 treatment program;
 3 (10) As far as practicable, share information and pool
 4 resources to carry out responsibilities under this
 5 chapter; and
 6 (11) Coordinate their funding requests for sex offender
 7 treatment programs to deter competition for resources
 8 that might result in an imbalance in program
 9 development that is detrimental to the master plan
 10 treatment concept."

11 SECTION 3. Statutory material to be repealed is bracketed
 12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect upon its approval.

14 INTRODUCED BY: 



S.B. NO. 2499

Report Title:

Sex Offender Treatment Program; Participant Protection

Description:

Requires an appropriately qualified service provider to be present during any sex offender treatment session; requires that a participant receiving treatment services shall not be required to admit guilt as part of any treatment protocols if the participant did not plead guilty to a sexual offense or enter into a deferred acceptance of nolo contendere plea.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

